

**City of Alamo Heights
BOARD OF ADJUSTMENT
MINUTES**

January 6, 2010

The Board of Adjustment held its rescheduled meeting in the Council Chambers at 6120 Broadway on Wednesday, January 6, 2010 at 5:30 p.m.

Members present and composing a quorum of the Board:

Bill Orr – Chairman
Susan Wilson – Vice Chair
Gregg Chislett
Hall Hammond, Alternate
Thomas Sanders

Members Absent:

Mary Bartlett
Andrew Herdeg, Alternate

Staff Members Present:

Gracie Flores, Community Development Representative
Brian Chandler, Community Development Director
Nathan Lester, Building Official

The meeting was called to order by Mr. Orr at 5:39 p.m.

CASE NO. 2019

235 Redwood Ave., Application of Ted Shaddock Heath & Denise Warren-Heath, owners, requesting a variance on the property located at 235 Redwood Ave., CB 4050 BLK 84 LOTS 28-29, zoned SF-A to 1) provide a 9' 6" side yard setback instead of the 10' minimum side yard setback required by code, and 2) provide a 24' 8-1/4" maximum front ridge height instead of the 24' maximum front ridge height permitted by code.

Katherine Coffey, designer, described the proposed design to the Board. The Board discussed the roof plate height and asked Ms. Coffey to explain the hardship associated with the second variance request. Ms. Coffey stated that financial restraints was the hardship due to the fact that the design would require substantial structural improvements to the first floor. Ms. Wilson explained that financial restraints was not considered a valid hardship.

Mr. Chislett made a motion to approve Case No. 2019 as follows: Variance No. 1 is approved as submitted; and Variance No. 2 is denied. Mr. Hammond seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Chislett, Hammond, Sanders

AGAINST: Wilson

CASE NO. 2020

116 Westover Ave., Application of Justin Peeler, owner, represented by Thorn & Graves Architects, requesting a variance on the property located at 116 Westover Ave., CB 4024 BLK 5 LOT E 5 FT OF 2 X W 75.5 FT OF 3, zoned SF-A to 1) provide 12' 11" driveway side yard setback instead of the 15' minimum driveway side yard setback required by code, and 2) provide a 2' 4" side yard setback encroachment of the overhang instead of the 2' maximum side yard setback encroachment permitted by code.

Mr. Peeler, owner, explained to the Board that the request for a variance was due to a mix up with the stamped approved plans from the City that had red-line corrections, however, the contractor had built off an original set of plans without the corrections. Mr. Peeler stated that he notified the City after he realized what had been done and stated that the foundation had been poured. Mr. Lester stated that a prepour inspection is required by the City of Alamo Heights but that no such inspection had been requested. Mr. Orr asked if there were any consequences or penalties for not requesting the necessary inspections that would have prevented the contractors to pour. Mr. Lester stated that because the homeowner had already suspended further construction as well as submitted for a variance request, no penalties were enforced. The Board extensively discussed whether or not approving the variance request would increase the structure's non-conformity.

Ms. Wilson made a motion to approve Case No. 2020 to 1) provide 12' 11" driveway side yard setback instead of the 15' minimum driveway side yard setback required by code, and 2) provide a side yard setback encroachment of the overhang for the open porch to match the existing eave instead of the 2' maximum side yard setback encroachment permitted by code. Mr. Chislett seconded the motion.

The motion was approved with the following vote:

FOR: Orr, Wilson, Chislett, Hammond

AGAINST: Sanders

Mr. Chandler briefed the Board of the proposed Chapter 5 (Buildings and Building Regulations from the Code of Ordinances) revisions.

There being no further business, the meeting was adjourned.

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Bill Orr, Chairman

2-3-10

Date Signed & Filed



Gracie Flores
Recording Secretary